

**WETHERSFIELD PLANNING AND ZONING COMMISSION  
PUBLIC HEARING AND MEETING**

**October 7, 2014**

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, September 16, 2014 at 7:00 p.m. in the Wethersfield Town Council Chambers located at Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut 06109.

**1. CALL TO ORDER:**

Chairman Roberts called the meeting to order at 7:03 p.m.

**1.1 ROLL CALL & SEATING OF ALTERNATES (5 members required for a quorum):**

Clerk Margiotta called the roll as follows:

Member Name	Present	Absent	Excused
Richard Roberts, Chairman	✓		
Thomas Harley, Vice Chairman	✓		
Antonio Margiotta, Clerk	✓		
James Hughes	✓		
George Oickle	✓		
Joseph Hammer	✓		
Anthony Homicki			✓
Angelo Robert Fazzina	✓		
Thomas Dean	✓		
Alex Vasel (alternate)			✓
Leigh Standish (alternate)	✓		
Ryan Allard (alternate)	✓		

Also present were: Peter Gillespie, Town Planner/Economic Development Manager; and  
Denise Bradley, Assistant Planner

Members of the Public were present.

Chairman Roberts noted at the time of roll call there were eight (8) full members and two (2) alternate members in attendance. All members present to participate. However, Commissioner Allard will not participate in the voting.

**2. OLD BUSINESS:**

There was no old business discussed during this meeting.

**3. NEW BUSINESS:**

**3.1 PUBLIC HEARING APPLICATION 1835-14-Z: Cedar Mountain Stone & Mulch** Seeking a two lot subdivision in accordance with Section 143 of the Wethersfield Subdivision Regulations at 1943 Berlin Turnpike.

Commissioner Roberts indicated the Applicant has asked that this matter be passed over to the next meeting (Tuesday, October 21, 2014) of the Planning & Zoning Commission.

**3.2 PUBLIC HEARING APPLICATION NO. 1838-14-Z: Joseph Moruzzi Seeking a Zone Change** in accordance with Section 10.1.G of the Wethersfield Zoning Regulations for a portion of the subject property from A Single Family Residence Zone to Regional Commercial (RC) Zone at Hewitt Street.

Kevin Johnson of Close, Jensen & Miller, P.C., appeared before the Commission regarding this Application. He described the two-and-a-half (2½) acre parcel (subject of this Application) as immediately north and west of the Goff Brook Shopping Center. He mentioned that Hewitt Street is to the North of the subject site and that the “L” shaped area depicted in the plans denotes the area desired to be re-zoned. The Applicant plans to construct a row of parking along the north and western boundaries of the subject parcel (as noted in the conceptual plan presented) that would be used as employee parking for the tenants of Goff Brook Shops. Mr. Johnson noted that the Applicant has no imminent plans of building addition onto the existing footprint of the plaza, but the zone change would allow for accommodation of fire lane access in the event the space in the plaza which is currently rented by Office Depot, for example, was to be expanded. Mr. Johnson noted that the proposed parking plan with the required fifteen (15’) foot landscape buffer (A residence zone requirement) could not be achieved without the requested twenty five (25’) foot zone change. Mr. Johnson indicated that the Applicant has no plans to build on the two-and-a-half (2½) acre parcel. Mr. Johnson mentioned the Applicant would have to pursue an approval by Wethersfield Inland/Wetland and Watercourses Commission (WIWWC) if PZC approves this Application, as a soil scientist has verified the property is located on wetlands. Upon approval from WIWWC, the Applicant would then return to the PZC for site approval.

Commissioner Oickle inquired and Mr. Johnson indicated the reason the Applicant is requesting a zone change is due to the Applicant contemplating the purchase of parcel 237007. Mr. Johnson noted that the Applicant has no imminent plans of building onto the existing footprint of the plaza or developing on the 237007 parcel. Mr. Johnson indicated that imposing restrictions on an approval of this Application is acceptable to the Applicant.

Commissioner Hammer inquired and Mr. Johnson indicated the present edge of pavement to the west comes approximately twenty five (25’) feet to the existing property line. Mr. Gillespie noted that the buffer on the plaza property can be modified, but the parking plan requested cannot be established in a residential zone (hence zone change request). Mr. Johnson also indicated that the subject site (2 ½ acres) cannot be developed, as it is wetlands.

Commissioner Standish inquired and Mr. Johnson indicated the subject lot is one hundred, twenty-five (125’) feet deep, and the zone change request is solely for the twenty-five (25’) foot strip noted in the plans.

Commissioner Dean inquired and Mr. Johnson indicated the Applicant has a legal purchase/option agreement to purchase, subject to the determination of this Commission and WIWWC, the subject two-and-a-half (2½) acre parcel.

Commissioner Oickle inquired and Chairman Roberts concurred that a zone change is not subject to conditions in a matter of this kind, as the proposed zone change is for an unbuildable parcel wherein a portion of that parcel of twenty-five (25’) feet is being changed essentially to allow it to be turned into a landscape buffer for the existing facility.

Commissioner Oickle mentioned the adjoining parcel owned by the Applicant and located on the south

side of Goff Brook Shops can be utilized for parking accommodations in the future. He also mentioned the Applicant should be mindful of the placement of any additional access driveway to Goff Brook Shops from Hewitt Street in relation to the residential neighbors.

Commissioner Dean mentioned that matters pertaining to site development and site access would be vetted during a site approval process.

Vice Chairman Harley indicated that the twenty-five (25') foot parcel could be developed in the future (i.e. expansion of that site up to permitted boundary). He inquired and Mr. Gillespie indicated the minimum rear yard requirement in the existing zone is ten (10') feet.

Vice Chairman Harley noted that the proposed zone change would have to meet four (4) requirements: 1) The proposed change is in accordance with the Plan of Conservation and Development; 2) The proposed change is in conformance with the purpose of the Regulations; 3) The location of, and activities permitted within, the new zone will not adversely affect the public health, safety, welfare, and property value; and 4) The property is suitable for the intended use.

#### **PUBLIC COMMENTS:**

Mr. Bolivar Jimenez, 84 Hewitt Street, appeared before the Commission and spoke unfavorably regarding this Application. He is concerned with adverse impact on his property's value and negative impact from future development of the two-and-a-half (2 ½) acre parcel.

Commissioner Oickle inquired and Mr. Jimenez indicated he is not in favor of the removal of trees that border his property and are located on the subject parcel, as removal of the trees would compromise privacy at his residence. Mr. Jimenez agreed that his fence borders the subject site and noted that if permissible, his fence would be as tall as twenty-five (25') feet high.

Commissioner Hughes inquired and Mr. Jimenez indicated he has resided at 84 Hewitt Street for nine (9) years.

Mr. Joaquim Pinheiro, 80 Hewitt Street, appeared before the Commission and spoke unfavorably regarding this Application. He has resided at 80 Hewitt Street for twenty-five (25) years. He is not in favor of employee parking being located as proposed. He noted that noise from employees and contractors at the plaza emanates through the adjoining neighborhood from business closure time (midnight) and as late as 4:00 and 5:00 in the morning on weekends.

Chairman Roberts inquired and Mr. Gillespie indicated the Commission needs to be mindful that zoning change criteria needs to be met in an Application of this kind. Mr. Gillespie indicated that when comparing criteria of the recently adopted Plan of Development, and its future use plan, the twenty-five (25') foot strip delineated is consistent with the property lines on the existing condition. Some level of zone change approval will be needed to expand parking in the designated area as planned.

Commissioner Allard inquired and Mr. Johnson indicated no parking study was conducted. Commissioner Allard questioned if west side parking could exist solely and satisfy the needs for employee parking in the event any construction on the north side was eliminated. He noted that this option may negate the need for a buffer along the back of the building. He questioned how much

parking could be added in the existing paved area versus how much is needed. He noted his realization of new businesses coming into the plaza. Mr. Johnson indicated that parallel parking could possibly be utilized in that area but that solution was not explored.

Mr. Johnson indicated in response to neighbor concerns that buffer requirements of screening, etc., would be incorporated into the site plans.

Commissioner Hammer inquired and Mr. Johnson indicated the area of the twenty-five (25') foot portion directly to the north abutting the 80 and 84 Hewitt Street properties would be landscaped as required by zoning. The remainder of the property would be left in its native state and with no access road from Hewitt Street. The cars would be parked in the area to the west.

Commissioner Hammer inquired if the access strip to the north could be eliminated, only have the strip to the west, and still meet the future potential needs without changing the zone close to the 80 and 84 Hewitt Street residences.

Mr. Johnson, after consultation with the Application, indicated that a parallel parking option/plan can be looked at on the north leg.

Commissioner Hammer inquired and Mr. Johnson indicated the present buffer from the pavement to the property line is approximately twenty-five (25') feet. He noted a preference of the Applicant reviewing the plan to see if eliminating the strip to the north is feasible.

The Applicant agreed to eliminate a portion of the access strip.

Chairman Roberts suggested that Mr. Johnson determine how many feet from the road the zone change would start.

Clerk Margiotta indicated a ten (10') foot parallel parking lane with a fifteen (15') foot buffer to the property line could be constructed. He noted the entire north side zoning change could be eliminated with a zoning change to the north side and still, by right, allow for parallel parking along the north side without impacting the twenty-five (25') foot strip.

Commissioner Hammer inquired and Mr. Johnson indicated that under the proposed scenario, twenty-three (23) spaces would be located in the north section. Under the revised scenario (parallel the whole way) would be a dozen (12) or so. At least eleven (11) spaces could be achieved in the north section without touching the existing zoning.

Mr. Johnson indicated the Applicant agrees to a parallel parking plan for the north side. Parking would occur north to south along the western property line of the plaza.

Commissioner Hammer indicated Mr. Johnson concurred that the Applicant's parking plan would be in conformance with maintaining the north property line without going into or beyond the third party's property in that direction.

Chairman Roberts indicated the one (1) parallel twenty-five (25') foot wide strip along the west side of the neighboring property is to be changed to RC, and the strip that exists up to Hewitt Street next to the neighboring home would remain A Residential.

Commissioner Dean clarified the zone change would be for the westerly portion of that lot for a distance of north to south of that easterly portion of 822.10 feet, plus twenty-five (25') feet.

**Motion:** Commissioner Hughes made a motion to close the Public Hearing regarding **PUBLIC HEARING APPLICATION NO. 1838-14-Z: Joseph Moruzzi** Seeking a Zone Change in accordance with Section 10.1.G of the Wethersfield Zoning Regulations for a portion of the subject property from A Single Family Residence Zone to Regional Commercial (RC) Zone at Hewitt Street.

**Second:** Commissioner Oickle seconded the motion.

Aye: Roberts, Harley, Margiotta, Hughes, Oickle, Hammer, Fazzina, Dean, Standish;

Nay: None;

Vote: 9 – 0;

**Public Hearing Closed.**

**Motion:** Vice Chairman Harley made a motion to approve **PUBLIC HEARING APPLICATION NO. 1838-14-Z: Joseph Moruzzi** Seeking a Zone Change in accordance with Section 10.1.G of the Wethersfield Zoning Regulations for a portion of the subject property from A Single Family Residence Zone to Regional Commercial (RC) Zone at Hewitt Street with the revisions/stipulations as follows:

- 1) This approval shall pertain to the property known on Hewitt Street as 237007 (Property of Nancy Davis, Trustee) as shown on Map provided by Close, Jensen & Miller, P.C. received by Town of Wethersfield Planning Department on September 12, 2014;
- 2) This approval shall include, as discussed with the Wethersfield Planning & Zoning Commission Public Hearing and Meeting, the twenty-five (25') foot strip on the east side of the parcel solely;
- 3) This approval shall exclude as discussed with the Wethersfield Planning & Zoning Commission Public Hearing and Meeting, the requested north leg outlined in the above referenced Map;
- 4) The proposed zone change meets the four (4) requirements noted in Town Regulations (and referred to in this paragraph as subsections a through d) in that: a) The proposed change is in accordance with the Plan of Conservation and Development; b) The proposed change is in conformance with the purpose of the Regulations; c) The location of, and activities permitted within the new zone will not adversely affect the public health, safety, welfare, and property value; and d) The property is suitable for the intended use.

**Second:** Commissioner Dean seconded the motion.

**Voting:**

Aye: Roberts, Harley, Margiotta, Hughes, Oickle, Hammer, Fazzina, Dean, Standish;

Nay: None;

Vote: 9 – 0;

**Application Approved as Revised/Stipulated.**

**3.3 PUBLIC HEARING APPLICATION NO. 1839-14-Z: Anhnguyet Nguyen** Seeking a Special Permit to modify Application No. 1782-12-Z & 1817-14-Z for a change of use in accordance with Section 5.10 (Mixed Commercial & Residential Uses) to allow for a residential unit on the second floor at 326 Silas Deane Highway.

The Applicant, Anhnguyet Nguyen, appeared before the Commission regarding this Application. She is requesting a special permit to allow for a residential unit on the second floor of the site in order to allow flexibility in the marketing of a lease for that second floor space. She noted that a studio apartment, a salon, or a small office, are ideas she would explore for tenancy of the second floor if permissible.

Commissioner Oickle inquired and Mr. Gillespie indicated the Applicant may have to invest money into the space in order to meet code matters for residential tenancy of that space. Mr. Gillespie also indicated there are no issues with parking at the site to date with the existing business. Mr. Gillespie noted that a residential use of the second floor would likely require fewer parking demands than a commercial use of that a space. Commissioner Oickle commented favorably of the existing building's renovation and upkeep of the site overall.

Chairman Roberts inquired and Ms. Nguyen indicated there is a salon chair currently on the second floor, but she has a potential residential tenant who would like to rent the subject second floor. Ms. Nguyen explained that she would like the flexibility of having the second floor space rented to a residential tenant and noted that if the residential tenant's lease expired, she would like to have the opportunity to market the second floor to either a residential tenant or to a tenant looking for office space.

Chairman Roberts inquired and both Ms. Nguyen and Mr. Gillespie explained that some properties are residential and some are mixed use.

Commissioner Dean inquired and Mr. Gillespie indicated that the prior approval for this subject building may be altered and thus affect the commercial use made in the prior approval depending on how this Commission stipulates the approval(s). Mr. Gillespie noted the example of the tenant investing in the second floor space in order to meet code requirements for residential tenancy and perhaps learning that it may be cost prohibitive to convert the second floor space back again. Mr. Gillespie indicated that the Applicant is looking for flexibility to market the space and to possibly avoid revisiting the PZC with tenancy modifications in the future. The possibility of allowing Town Staff to review future issues with tenancy in that space was also mentioned.

Commissioner Dean suggested that an approval be framed in a way that the Applicant would not have to return to the PZC. He noted than an approval could be a supplement to the prior approval and not a replacement, as long as the other prior conditions would remain.

Commissioner Dean inquired and Mr. Gillespie indicated the minimum size for a residential unit is the minimum required by the building code.

It was noted that the second floor is six hundred twenty-four (624) square feet (including the stairs).

Clerk Margiotta inquired and Ms. Nguyen indicated there is a separate entrance to the second floor from the front of the building and a shared entrance in the back of the building

Commissioner Oickle mentioned and Vice Chairman Harley concurred that mixed used development with high standards in the area of the subject building is appropriate for that area in Town [and is in accordance with the objectives stated in the Wethersfield Plan of Conservation and Development (POCD)].

**PUBLIC COMMENTS:**

There were no comments made by the public regarding this Application.

**Motion:** Commissioner Oickle made a motion to close the Public Hearing regarding **PUBLIC HEARING APPLICATION NO. 1839-14-Z: Anhnguyet Nguyen** Seeking a Special Permit to modify Application No. 1782-12-Z & 1817-14-Z for a change of use in accordance with Section 5.10 (Mixed Commercial & Residential Uses) to allow for a residential unit on the second floor at 326 Silas Deane Highway.

**Second:** Commissioner Hughes seconded the motion.

Aye: Roberts, Harley, Margiotta, Hughes, Oickle, Hammer, Fazzina, Dean, Standish;

Nay: None;

Vote: 9 – 0;

**Public Hearing Closed.**

**Motion:** Commissioner Hammer made a motion to approve **PUBLIC HEARING APPLICATION NO. 1839-14-Z: Anhnguyet Nguyen** Seeking a Special Permit to modify Application No. 1782-12-Z & 1817-14-Z for a change of use in accordance with Section 5.10 (Mixed Commercial & Residential Uses) to allow for a residential unit on the second floor at 326 Silas Deane Highway, with the following conditions:

- 1) The Applicant shall have the option of using the second floor for a office use in accordance with the previously approved office use plan, or for a residential use in accordance with the plan submitted with this Application
- 2) The second floor tenancy use shall be for one or the other use solely, as mentioned in condition number 1 above;
- 3) The second floor tenancy use shall be subject to all the prior approval conditions cumulative for the subject site.

**Second:** Commissioner Oickle seconded the motion.

**Voting:**

Aye: Roberts, Harley, Margiotta, Hughes, Oickle, Hammer, Fazzina, Dean, Standish;

Nay: None;

Vote: 9 – 0;

**Application Approved with Conditions.**

**4. OTHER BUSINESS:**

Chairman Roberts acknowledged and welcomed Lindsay Schmitt, who will begin taking PZC Meeting Minutes on an ongoing basis starting with the next meeting of this Commission (Tuesday, October 21, 2014).

**5. MINUTES – September 16, 2014 Planning & Zoning Commission Meeting Minutes**

Commissioner Oickle noted (with input from Mr. Gillespie) that on Page 2, Paragraph 1, the sentence beginning on Line 10 and ending on Line 11 (“The addition would contain twelve hundred and sixty (1260) square feet, plus an additional sixty (60) square feet for a vestibule and stairway.”) shall be deleted and replaced with the following sentence: “The twelve hundred and sixty (1260) square feet shall be garage space, and the second floor of the twelve hundred and sixty (1260) square feet will be used for residential living space.”

**Motion:** Commissioner Oickle motioned to approve the minutes, as corrected.

**Second:** Commissioner Dean seconded the motion.

Aye: Roberts, Harley, Margiotta, Hughes, Oickle, Fazzina, Dean, Standish;

Nay: None;

Abstain: Hammer;

Vote: 8– 0– 1;

**Minutes approved as corrected.**

**6. STAFF REPORTS:**

Mr. Gillespie reported 1) *Chips Restaurant* 1301 Silas Deane Highway (Goff Brook Plaza) opened yesterday, 2) *Edo Ichi Sushi & Hibachi Steakhouse*, 580 Silas Deane Highway, had a Grand Opening event at 11:00 a.m. today, and 3) *Dance 10*, 401 Silas Deane Highway, will be having their ribbon cutting ceremony on Thursday, October 9, 2014 at 11:00 a.m.

Mr. Gillespie also reported that discussion among parties is occurring regarding the agreement for demolition of the building at 1000 Silas Deane Highway (building f/k/a Weight Watchers).

Mr. Gillespie informed the Commission of the status of the tax sale for the 295 Ridge Road and 61 Arrow Road properties. The property owner of the addresses noted above came forward within the statutory time frame and submitted payment for past due taxes on those properties.



Mr. Gillespie also informed the Commission of the plan that is under review and jurisdiction of the CT Siting Council for a cell tower installation on the Harris property located on Two Rod Highway [bordering Rocky Hill, Newington, and Wethersfield (with cell tower location in Wethersfield)].

**7. PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING:**

There were no public comments made regarding general matters of planning and zoning.

**8. CORRESPONDENCE:**

There were no items of correspondence discussed at this meeting.

**9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS:**

**9.1 PUBLIC HEARING APPLICATION NO. 1840-14-Z: Lynn Stabnick** Seeking a Special Permit in accordance with Section 3.6 of the Wethersfield Zoning Regulations to construct a shed larger than permitted in a residential zone at 26 Randy Lane.

**10. ADJOURNMENT:**

**Motion:** Vice Chairman Harley motioned to adjourn the meeting at 8:27 p.m.

**Second:** Commissioner Oickle seconded the motion.

Aye: Roberts, Harley, Margiotta, Hughes, Oickle, Hammer, Fazzina, Dean, Standish;

Nay: None;

Vote: 9 – 0;

Meeting adjourned.

Respectfully submitted,  
Ellen Goslicki, Recording Secretary